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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,338	11/06/2001	Thanh V. Lam	POU901015US1	6039
46369	7590	05/09/2006	EXAMINER	
HESLIN ROTHENBERG FARLEY & MESITI P.C. 5 COLUMBIA CIRCLE ALBANY, NY 12203			REAGAN, JAMES A	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,338

Applicant(s)

LAM ET AL.

Examiner

James A. Reagan

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,30,32-39 and 63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 9, 10, 30, 32-36, 38, 39 & 63 is/are rejected.
- 7) ☐ Claim(s) 8 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This action is in response to the application filed on 21 February 2006.
2. Claims 1, 30, and 63 have been amended.
3. Claims 1, 3-10, 30, 32-39 & 63 are pending and have been examined.

RESPONSE TO ARGUMENTS

4. Applicant's arguments received on 21 February 2006 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

5. Claims 8 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-7, 9, 10, 30, 32-36, 38, 39 & 63 are rejected under 35 U.S.C. 103 as being unpatentable over Archibold (6604124) or Boucher et al (6976007), in view of Freund (6076174).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 1:

Both Archibold (See abstract, Fig. 1, Cols. 3 and 4) or Boucher et al (See abstract, Figs. 1 3, 4-7, Col. 2, lines 40-65, Col. 3, lines 10-55, Col. 7, lines 10-65, claims 1-15) disclose a method for employing distributed processing and tracking of jobs (either electronic scribes or package delivery) by user queries of collected information substantially as claimed. The differences between the above and the claimed invention is the use of specific terminology. It is noted that it is believed that the disclosed trackings are functionally equivalent to the claimed limitations. Freund (See Fig. 2, Col. 3, lines 25-40, col. 4, lines 25-50) show performance characteristics of a job in

real time. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Archibold or Boucher et al because it is standard practice to monitor performance characteristics of tracked objects for a user.

Claim 3:

Regarding the list limitations of claim 3, both Archibold (See abstract, Fig. 1, Cols. 3 and 4) or Boucher et al (See abstract, Figs. 1 3, 4-7, Col. 2, lines 40-65, Col. 3, lines 10-55, Col. 7, lines 10-65, claims 1-15) disclose a method for employing distributed processing and tracking of jobs (either electronic scribes or package delivery) by user queries of collected information which is a functional equivalent of the claim limitations because performance measures require predefined rating levels.

Claims 4-7, 9, and 10:

Regarding the limitations of claims 4-10, both Archibold (See abstract, Fig. 1, Cols. 3 and 4) or Boucher et al (See abstract, Figs. 1 3, 4-7, Col. 2, lines 40-65, Col. 3, lines 10-55, Col. 7, lines 10-65, claims 1-15) disclose a method for employing distributed processing and tracking of jobs (either electronic scribes or package delivery) by user queries of collected information which is a functional equivalent of the claim limitations.

Claim 30:

Regarding claim 30, both Archibald (See abstract, Fig. 1, Cols. 3 and 4) or Boucher et al (See abstract, Figs. 1 3, 4-7, Col. 2, lines 40-65, Col. 3, lines 10-55, Col. 7, lines 10-65, claims 1-15) disclose a means for employing distributed processing and tracking of jobs (either electronic scribes or package delivery) by user queries of collected information substantially as claimed. The differences between the above and the claimed invention is the use of specific terminology. It is noted that it is believed that the disclosed trackings are functionally equivalent to the claimed limitations. Freund (See Fig. 2, Col. 3, lines 25-40, col. 4, lines 25-50) show performance characteristics of a

job in real time. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Archibold or Boucher et al because it is standard practice to monitor performance characteristics of tracked objects for a user.

Claim 32:

Regarding the list limitations of claim 32, both Archibold (See abstract, Fig. 1, Cols. 3 and 4) or Boucher et al (See abstract, Figs. 1 3, 4-7, Col. 2, lines 40-65, Col. 3, lines 10-55, Col. 7, lines 10-65, claims 1-15) disclose a means for employing distributed processing and tracking of jobs (either electronic scribes or package delivery) by user queries of collected information which is a functional equivalent of the claim limitations because performance measures require predefined rating levels.

Claims 33-36, 38, and 39:

Regarding the limitations of claims 33-39, both Archibold (See abstract, Fig. 1, Cols. 3 and 4) or Boucher et al (See abstract, Figs. 1 3, 4-7, Col. 2, lines 40-65, Col. 3, lines 10-55, Col. 7, lines 10-65, claims 1-15) disclose a means for employing distributed processing and tracking of jobs (either electronic scribes or package delivery) by user queries of collected information which is a functional equivalent of the claim limitations.

Claim 63:

Regarding claim 63, both Archibold (See abstract, Fig. 1, Cols. 3 and 4) or Boucher et al (See abstract, Figs. 1 3, 4-7, Col. 2, lines 40-65, Col. 3, lines 10-55, Col. 7, lines 10-65, claims 1-15) disclose a digital means for employing distributed processing and tracking of jobs (either electronic scribes or package delivery) by user queries of collected information substantially as claimed. The differences between the above and the claimed invention is the use of specific terminology. It is noted that it is believed that the disclosed trackings are functionally equivalent to the claimed limitations. Freund (See Fig. 2, Col. 3, lines 25-40, col. 4, lines 25-50) show performance characteristics of a job in real time. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Archibold or Boucher et al because it is standard practice to monitor performance characteristics of tracked objects for a user.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 [Official communications, After Final communications labeled "Box AF"]

571-273-8300 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

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401 Dulany Street

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JAMES A. REAGAN

Primary Examiner

Art Unit 3621

02 May 2006



JAMES A. REAGAN
PRIMARY EXAMINER